

The '729 Patent discloses an inhaler having a container 12 with a dose metering valve 14 and a cap 17. (See col.1, 1.51 to col.2, 1.27.) The valve 14 includes a valve stem 34, with an outer portion of the valve stem 35 that is hollow and mates with a stepped recess in an end piece 38 disposed in the cap 17. (Id.) Also disposed on the cap are a small orifice 36 and a conical expansion orifice 37 that allow the medicament to be expelled toward a user. (See col.2, 1.28-45.)

The user depresses the container relative to the cap 17, allowing medicament to flow through the valve stem 34 into the cap 17 and out through the small orifice 36 and conical expansion orifice 37. (See col.2, 11.46-60.) Therefore, when the container is not depressed, no medicament flows out.

It appears that by pointing to Figure 1, the Official Action contends that the valve stem 34 is a dispensing port and that the end piece 38 that receives the valve stem 34 is a first sealing surface. However, it is not possible for the recess within the end piece 38 to be "unaligned" with the dispensing port, as recited in claim 1. Due to its cylindrical and therefore symmetrical nature, the valve stem 34 cannot be "unaligned" with the end piece 38. Moreover, the '729 Patent does not disclose any other configuration for mating the valve stem 34 with the end piece 38. Therefore, the '729 Patent cannot teach "a first sealing surface adapted to seal the dispensing port when the recess is unaligned with the dispensing port," as recited in claim 1. (Emphasis added.) Contrary to the allegation in the Official Action, neither of the elements is illustrated in Fig. 1 of the '729 Patent.

Further, the '729 Patent simply does not disclose "a pressure relief port" or "a second sealing surface." Accordingly, the '729 Patent does not anticipate claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By



Rabiya S. Kader

Registration No.: 48,160

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant